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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,161	08/10/2000	SHUMIN WANG	98124X205487	6517

29050 7590 08/24/2004

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EXAMINER
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UMEZ ERONINI, LYNETTE T

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/636,161

Applicant(s)

WANG ET AL.

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,16-27 and 32-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3,4,8,16,17,20,22,24-27 and 35 is/are rejected.  
7) ☐ Claim(s) 2,5,6,9,18,19,21,23, and 32-34 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This communication is in response to applicants' amendment filed May 24, 2004.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 8, 16, 17, 20, 22, 24-27, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaufman et al. (US 6,217,416 B1)

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As pertaining to claims 1, 3, 4, 8, 16, 17, and 24-27, Kaufman teaches a chemical mechanical polishing slurry that is able to selectively polish a copper of a

copper and tantalum or tantalum nitride containing substrate (column 3, line 23-26). The polishing slurry comprises an abrasive, an oxidizing agent, at least one complexing agent, and at least one organic amino compound (column 3, lines 41-44).

The abrasive is a metal oxide, which is selected from the group including alumina, titania, zirconia, germania, silica, ceria and mixtures thereof (column 9, lines 34-37) and may be incorporated into an aqueous medium of the polishing slurry (column 10, lines 47-51). The aqueous dispersion of metal oxides may be produced utilizing conventional techniques, such as slowly adding the metal oxide abrasive to an appropriate media, for example, deionized water, to form a colloidal dispersion. (column 10, lines 47-55).

Preferred oxidizing agents include hydrogen peroxide (column 5, lines 26-29).

Useful complexing agents include phosphonic acids (same as applicants' polishing additives) (column 5, lines 62-66).

Kaufman teaches an optional film forming agent that is capable of facilitating the formation of a passivation layer of metal oxides and dissolution inhibiting layers on the surface of the metal layer, A preferred film forming agent is benzotriazole (column 6, line 27-32 and 38-39).

Kaufman teaches useful inorganic additives that include phosphonic acid, ammonium salts (column 10, line 67- column 11, line 4). The above reads on,

A system for polishing one or more layers of a multi-layer substrate that includes a first metal layer and a second layer comprising:

- (i) a liquid carrier);

(ii) at least one oxidizing agent;

(iii) at least one passivation film forming agent;

(iv) at least one polishing additive; and

(v) a polishing pad and/or an abrasive. Since Kaufman uses the same chemical as applicants' polishing additive in combination with the same components of the polishing slurry as claimed in the present invention, then using Kaufman's polishing additive in the same manner as the claimed invention would inherently result in a polishing additive that increases the rate at which the system polishes at least one layer of the substrate, as claimed in the present invention.

Kaufman teaches, the use of an acid or base that contains no metal ions, such as ammonium hydroxide and amines (same as applicant's stopping compound) (column 7, lines 21-25) and additives that include ammonium salts (column 10, line 67 – column 11, line 4, which reads on,

wherein the system further comprises a source of ammonia, **in claim 20**;

wherein the system further comprises at least one stopping compound, **in claim 22**; and

wherein the system further comprises ammonia or an ammonium salt, **in claim 35**.

#### ***Allowable Subject Matter***

3. Claims 2, 5, 6, 9, 18, 19, 21, 23, 32, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

4. Applicants' arguments filed May 24, 2004 have been fully considered but they are not persuasive. Applicants traverse the 102(e) rejection of claims 1, 3, 4, 8, 16, 17, 20, 22, 24-24, and 35 over Kaufman et al. (US 6,217,416) as failing to recite polishing additives as specified in the claimed invention. Applicants' argument is unpersuasive because Kaufman teaches an "amino organic compound," such aminoethylethanolamine, which is the same as applicants' polishing additive. Since Kaufman uses the same chemical as applicants' polishing additive in combination with the same components of the polishing slurry as claimed in the present invention, then using Kaufman's polishing additive in the same manner as the claimed invention would inherently result in a polishing additive that increases the rate at which the system polishes at least one layer of the substrate, as claimed in the present invention.

Applicants traverse the 103(c) rejection of claims 2, 5, 6, 9, 18, 19, 21, 23, and 32-34 over Kaufman (US '416) alone or in view of Watts (US '375), Hudson (US '792) or Prigge (US '381) as failing to qualify as prior art because the instant application was made, owned by or subject to an obligation of assignment to Cabot Microelectronics Corporation. Applicants' arguments were found persuasive and the rejection of said claims has been withdrawn.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynette T. Umez-Eronini whose telephone number is 571-272-1470. The examiner is normally unavailable on the First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 1765

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ltue

August 18, 2004

NADINE G. NORTON  
SUPERVISORY PATENT EXAMINER

